

Remarks

Claims 1-15, 17 and 19-31 are pending. Claims 1-7, 12, 14, 20 and 23 are amended to more particularly point out and distinctly claim Applicants' invention.

The Examiner rejected Claim 12 under 35 U.S.C. § 112, second paragraph. The Examiner states:

Claim 12 is contradictory to the independent claim from which it depends. The independent claim sets forth a method for providing the location of the second mobile unit to the first wherein a data package is sent to the first mobile unit and the data package includes the position of the second unit. Claim 12 negates this feature by excluding the first mobile unit from receiving the data package. Thus, claim 12 negates both the provision of the second mobile unit location to the first station as well as negates the provision of transmitting a data package to the first mobile unit comprising the current location of the second unit.

Claims 12 is amended to more particularly point out and distinctly claim Applicants' invention. As amended, the Examiner's objection to the language of Claim 12 is believed overcome.

The Examiner rejected Claims 1-3, 6-11, 14-15, 17, 19-21, and 23-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,317,605 ("Sakuma"), in view of U.S. Patent 6,115,611 ("Kimoto"). The Examiner states:

Sakuma discloses a mobile communications system wherein a first mobile terminal PS1 requests and receives positional information of a second mobile terminal PS2 via a location database that stores the locations of the mobile terminals. The first mobile device requests location data of the second mobile terminal by sending a message that conveys the cell station ID number CS-ID, the self ID number PS-ID1 and the designated ID of the second terminal PS-ID2. Sakuma is alleged to differ from the claimed subject matter since the mobile terminals do not send a current location of the respective mobile terminals. The cell station ID is known in the art to

provide location representation. In fact, the cell station ID is merely correlated to a look-up table at the database to provide longitude/latitude information. Thus, the transmission of cell station ID from a respective mobile terminal is deemed in itself to suggest transmission of current location. Additionally, Kimoto et al is cited as an exemplary teaching of the use of cell station ID as a form of position detection, see col. 36, lines 17-26 as well as lines 41-51. Kimoto et al also suggest alternative position identification information in the form of self determined GPS information. It is therefore deemed obvious to transmit current location from a plurality of mobile terminals to a location database wherein the current location includes cell station ID information, converted cell station ID information or GPS determined location in view of the teachings of Kimoto et al.

With respect to Applicants' arguments regarding Sakuma, submitted in the Amendment of February 10, 2003, the Examiner states:

Applicants argue that Sakuma fails to teach receiving, from first and second mobile terminals, respective current locations. This is not persuasive because the cell station ID that is transmitted by the mobile terminals is representative of the current location of the mobile terminals. This is based on the fact that in Sakuma the cell station ID is merely looked up in a table to provide longitude/latitude information -the ID directly corresponds to longitude/latitude data, it is merely in a different format and thus meets the scope of "current location." Additionally, Kimoto et al provide support for the statement that it is well-known that a cell ID is a form of position, provide support for the conversion of the cell ID to longitude/latitude data and provide support for the use of GPS to provide location data to a location database.

Applicants respectfully traverse the Examiner's rejection. Claim 1, as amended recites, in part:

receiving a request from said first mobile unit specifying a condition based on said current location of said first mobile unit or a future location of said first mobile unit; and

transmitting a data package to said first mobile unit in response to a said request from said first mobile unit upon satisfaction of said condition, wherein said data package

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comprises said current location of said second mobile unit retrieved from said database.

As explained in Applicants' specification at pages 10-11, the claimed method allows a system to monitor for a subscriber the locations of other subscribers for various applications (e.g., see Applicants' specification, at page 10, 24-26). Neither the above-quoted limitations nor its significant benefits are disclosed or suggested by Sakuma. Even if the Examiner is correct that Kimoto provides "an exemplary teaching of the use of cell station ID as a form of position detection," or an "alternative position identification information in the form of self determined GPS information," the combined teachings of Sakuma and Kimoto neither disclose nor suggest Applicants' Claim 1. Further, at col. 33-39, Sakuma teaches against the combination suggested by the Examiner, as it increases both the required hardware and complexity:

In other words, the conventional system cannot provide the location information of both sides of connection. Therefore, the calling and called uses cannot be informed whether they are near. Further, the conventional mobile terminal needs the GPS receiver, resulting in increased amount of hardware and complicated circuit in the mobile terminal.

Therefore, contrary to the Examiner's assertion, Claim 1 would not have been obvious to one skilled in the art at the time of the invention. Thus, Claim 1 and its dependent Claims 2, 4, 6, 7 and 9-13 are each allowable over the combined teachings of Sakuma and Kimoto.

Therefore, Claims 14, 20 and 23, and their respective dependent Claims 15, 17, 19, 21 and 24-29, each reciting similar limitations, are likewise each allowable over the combined teachings of Sakuma and Kimoto.

As amended, Claim 3 recites:

receiving from said first mobile unit a first packet including a current location of said first mobile unit, said first packet further providing at least one of:

personal information about a first user, said first user

being a user of said first mobile unit; and

an announcement;

Such limitations, which allow such applications as described in Applicants' Specification, beginning at page 9, line 1 to page 10, line 14, are also neither disclosed nor suggested by Sakuma and Kimoto. Thus, Claim 3 and dependent Claim 8 are also allowable over Sakuma and Kimoto.

Accordingly, reconsideration and allowance of Claims 1-3, 6-11, 14-15, 17, 19-21, and 23-29 are requested.

The Examiner rejected Claims 4, 5 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Sakuma in view of Kimoto and publication "Disseminating Active Map Information to Mobile Host" ("Schilit"). The Examiner states:

Sakuma in view of Kimoto et al teach the subject matter substantially as claimed as set forth above but fail to show the various groupings and exclusions of the response information. Schilit et al teach a mobile distributed computing system that enables groups of users to be provided with downloaded information in response to a single user request as well as the ability to selectively exclude users from being tracked. It would have been obvious to modify Sakuma by including a list of subscribers/users in the inquiry in order to provide location-based information to more than one member of a group in view of the teachings of Schilit et al.

Applicants argue for the patentability of the independent claims with regard to sending/receiving "current location of the first (second) mobile unit." Therefore, the claims are grouped therewith and are not allowable for the same reasons as set forth above.

Applicants respectfully traverse the Examiner's rejection. Claims 4, 5 and 31 respectively depend from independent Claims 1, 3 and 23. As Schilit does not provide teachings to cure the deficiencies of the combined teachings of Sakuma and Kimoto, Applicants respectfully submit that Claims 4, 5 and 31 are each allowable over the combined teachings of Sakuma, Kimoto and Schilit for substantially the same reasons stated above with

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respect to Claims 1, 3 and 23. Reconsideration and allowance of Claims 4-5 and 31 are therefore requested.

The Examiner rejected Claims 1-11, 13-15, 17 and 19-31 under 35 U.S.C. § 103(a) as being unpatentable over Japanese publication 2001-025054 ("Adachi") in view of U.S. Patent 6,321,091 ("Holland"). The Examiner states:

Adachi (US Publication US2003/0013462 A1 is an English language equivalent if the Japanese document that was published January 26, 2001) discloses the method and apparatus for tracking a location of a second mobile unit from a first mobile unit substantially as claimed comprising mobile terminals (101, 102, 103) communication network (10, 105, 106, 107) and an administration station (108). Each mobile terminal determines position, using GPS, e.g., and modulates a transmit signal with the position data to the administration station. One of the mobile terminals requests position information of the other mobile terminals. Upon receiving a request, the administration terminal sends the position data of the other mobile stations to the requesting mobile station. Adachi differs from the claimed subject matter since a database is not specified at the administration station. Holland discloses a method and apparatus for tracking a mobile terminal 12 wherein a plurality of mobile terminals send their positions to a server computer 38 which stores the location in a database 44 as is well-known in the art, see col. 3, lines 50-62. A subscriber terminal 46, which is suggested to comprise a portable terminal such as a PDA, cellular phone or a laptop computer, requests information on the position of one of the mobile terminals and in response thereto, receives from the database the requested positional data of the mobile terminal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Adachi by providing the administration station with a location database in view of the conventionality of such as shown by Holland in order to provide a tracking data of the mobile terminals. The dependent claims are obvious to the skilled artisan in the design of a system for tracking/monitoring mobile assets.

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Applicants have previously argued the failure of the prior art to suggest a first mobile unit requesting and receiving positional data of a second mobile unit wherein each of the first and second mobile units send their respective positional data to

a processing station. As is made clear by Adachi, this feature is known. Moreover, the use of a database at a processing station is made obvious in light of the teachings of Holland.

Neither Adachi nor Holland discloses or suggests the following limitations of Claims 1 and 3:

receiving a request from said first mobile unit specifying a condition based on said current location of said first mobile unit or a future location of said first mobile unit; and

transmitting a data package to said first mobile unit in response to a said request from said first mobile unit upon satisfaction of said condition, wherein said data package comprises said current location of said second mobile unit retrieved from said database.

(Claim 1)

receiving from said first mobile unit a first packet including a current location of said first mobile unit, said first packet further providing at least one of:

personal information about a first user, said first user being a user of said first mobile unit; and

an announcement;

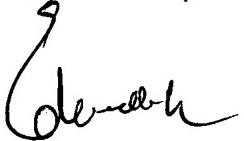
(Claim 3)

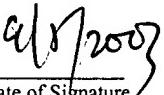
Thus, for the reasons set forth above, Claims 1, 3, 14, 20 and 23 and their respective dependent Claims 2, 4-11, 13, 15, 17, 19, 21-22 and 24-31 are each allowable over the combined teachings of Adachi and Holland. Accordingly, reconsideration and allowance of Claims 1-11, 13-15, 17 and 19-31 are requested.

Therefore, for the reasons set forth above, all pending claims (i.e., Claims 1-15, 17 and 19-31) are allowable over the art of record. If the Examiner has any question regarding the

above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant at 408-392-9250.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 5, 2003.

  
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